

Executive Summary – Enforcement Matter – Case No. 43868
United Structures of America, Inc.
RN100219708
Docket No. 2012-0692-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

United Structures of America, 1912 Buschong Street, Houston, Harris County

Type of Operation:

Metal building manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 31, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,450

Amount Deferred for Expedited Settlement: \$3,690

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$205

Total Due to General Revenue: \$7,175

Payment Plan: 35 payments of \$205 each

SEP Conditional Offset: \$7,380

Name of SEP: Houston-Galveston AERCO's Clean Cities/ Clean Vehicles Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 43868
United Structures of America, Inc.
RN100219708
Docket No. 2012-0692-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 1, 2012

Date(s) of NOE(s): February 29, 2012

Violation Information

Failed to submit complete and accurate Permit Compliance Certifications (“PCCs”) and a deviation report within 30 days after the end of the certification and reporting periods. Specifically, the PCC and the deviation report for the July 1, 2010 through December 31, 2010 certification and semi-annual deviation reporting periods were due January 30, 2011, but were not submitted until February 20, 2012 (386 days late) and did not include four deviations; the PCC for the January 1, 2011 through June 30, 2011 certification period was due July 30, 2011, but was not submitted until February 20, 2012 (205 days late); and the PCC for the July 1, 2011 through December 31, 2011 certification period was due January 30, 2012, but was not submitted until February 1, 2012 (two days late) [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A) and (2)(C), and 122.146(2), Federal Operating Permit No. O1107, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures at the Plant:

- a. Submitted the PCC for the July 1, 2011 through December 31, 2011 certification period on February 1, 2012; and
- b. Submitted the PCC and deviation report for the July 1, 2010 through December 31, 2010 certification and semi-annual deviation reporting periods and the PCC for the January 1, 2011 through June 30, 2011 certification period on February 20, 2012.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)

- a. Within 30 days, implement measures designed to ensure that PCCs and deviation reports are timely and accurately submitted; and
- b. Within 45 days, submit written certification demonstrating compliance.

Executive Summary – Enforcement Matter – Case No. 43868
United Structures of America, Inc.
RN100219708
Docket No. 2012-0692-AIR-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Trina Grieco, Enforcement Division,
Enforcement Team 4, MC R13, (210) 403-4006; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Kyle Parrish, Executive Vice President of Operations, United Structures
of America, Inc., 1912 Buschong Street, Houston, Texas 77039-1213
Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-0692-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	United Structures of America, Inc.
Payable Penalty Amount:	Fourteen Thousand Seven Hundred Sixty Dollars (\$14,760)
SEP Amount:	Seven Thousand Three Hundred Eighty Dollars (\$7,380)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the Environmental Protection Agency ("EPA"). SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter

United Structures of America, Inc.
Agreed Order - Attachment A

traps, diesel particulate matter filters, nitrogen oxides reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the EPA or the California Air Resources Board.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	5-Mar-2012	PCW	28-Mar-2012	Screening	27-Mar-2012	EPA Due	25-Nov-2012
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RESPONDENT/FACILITY INFORMATION

Respondent	United Structures of America, Inc.		
Reg. Ent. Ref. No.	RN100219708		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	43868	No. of Violations	1
Docket No.	2012-0692-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 64.0% Enhancement **Subtotals 2, 3, & 7** \$4,800

Notes Enhancement for two NOVs with dissimilar violations and three orders with denial of liability.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$66
Approx. Cost of Compliance \$750
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$12,300

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$12,300

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$12,300

DEFERRAL 20.0% Reduction **Adjustment** -\$2,460

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$9,840

Screening Date 27-Mar-2012

Docket No. 2012-0692-AIR-E

PCW

Respondent United Structures of America, Inc.

Policy Revision 2 (September 2002)

Case ID No. 43868

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219708

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 64%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for two NOVs with dissimilar violations and three orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 64%

Screening Date 27-Mar-2012

Docket No. 2012-0692-AIR-E

PCW

Respondent United Structures of America, Inc.

Policy Revision 2 (September 2002)

Case ID No. 43868

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219708

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A) and (2)(C), and 122.146(2), Federal Operating Permit No. O1107, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit complete and accurate permit compliance certifications ("PCCs") and a deviation report within 30 days after the end of the certification and reporting periods. Specifically, the PCC and the deviation report for the July 1, 2010 through December 31, 2010 certification and semi-annual deviation reporting periods were due January 30, 2011, but were not submitted until February 20, 2012 (386 days late) and did not include four deviations; and the PCC for the January 1 through June 30, 2011 certification period was due July 30, 2011, but was not submitted until February 20, 2012 (205 days late).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

The Respondent failed to comply with 100% of the rule requirements.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

386 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

Three single events are recommended for the three late and/or deficient reports.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$66

Violation Final Penalty Total \$12,300

This violation Final Assessed Penalty (adjusted for limits) \$12,300

Economic Benefit Worksheet

Respondent United Structures of America, Inc.
Case ID No. 43868
Reg. Ent. Reference No. RN100219708
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$750	30-Jan-2011	1-Nov-2012	1.76	\$66	n/a	\$66

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure the proper preparation and submittal of PCCs and deviation reports. The Date Required is the date the first PCC was due. The Final Date is the date corrective actions are projected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

TOTAL

\$66

DATES	Assigned	5-Mar-2012	Screening	27-Mar-2012	EPA Due	25-Nov-2012
	PCW	28-Mar-2012				

RESPONDENT/FACILITY INFORMATION			
Respondent	United Structures of America, Inc.		
Reg. Ent. Ref. No.	RN100219708		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	43868	No. of Violations	1
Docket No.	2012-0692-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section			
TOTAL BASE PENALTY (Sum of violation base penalties)			Subtotal 1 \$3,750
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	64.0% Enhancement	Subtotals 2, 3, & 7	\$2,400
Notes	Enhancement for two NOVs with dissimilar violations and three orders with denial of liability.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments			Subtotal 5 \$0
Economic Benefit			Subtotal 6 \$0
Total EB Amounts \$0		0.0% Enhancement*	
Approx. Cost of Compliance \$0		*Capped at the Total EB \$ Amount	
SUM OF SUBTOTALS 1-7			Final Subtotal \$6,150
OTHER FACTORS AS JUSTICE MAY REQUIRE			Adjustment \$0
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			
			Final Penalty Amount \$6,150
STATUTORY LIMIT ADJUSTMENT			Final Assessed Penalty \$6,150
DEFERRAL			Adjustment -\$1,230
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$4,920

Screening Date 27-Mar-2012

Docket No. 2012-0692-AIR-E

PCW

Respondent United Structures of America, Inc.

Policy Revision 3 (September 2011)

Case ID No. 43868

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100219708

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 64%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for two NOVs with dissimilar violations and three orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 64%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 64%

Screening Date 27-Mar-2012

Docket No. 2012-0692-AIR-E

PCW

Respondent United Structures of America, Inc.

Policy Revision 3 (September 2011)

Case ID No. 43868

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100219708

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Federal Operating Permit No. 01107, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a permit compliance certification ("PCC") within 30 days after the end of the certification period. Specifically, the PCC for the July 1, 2011 through December 31, 2011 certification period was due January 30, 2012, but was not submitted until February 1, 2012 (two days late).

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
		x		

Percent 15.0%

Matrix Notes

The Respondent failed to comply with 100% of the rule requirements.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended for the late report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,150

This violation Final Assessed Penalty (adjusted for limits) \$6,150

Economic Benefit Worksheet

Respondent United Structures of America, Inc.
Case ID No. 43868
Reg. Ent. Reference No. RN100219708
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Economic Benefit ("EB") for Violation 1 is included in the EB for Violation 1 in the accompanying penalty calculation worksheet.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN600130421 United Structures of America, Inc. Classification: AVERAGE Rating: 6.97
 Regulated Entity: RN100219708 UNITED STRUCTURES OF AMERICA Classification: AVERAGE Site Rating: 6.97

ID Number(s):	AIR OPERATING PERMITS AIR OPERATING PERMITS INDUSTRIAL AND HAZARDOUS WASTE INDUSTRIAL AND HAZARDOUS WASTE WASTEWATER WASTEWATER AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS PUBLIC WATER SYSTEM/SUPPLY STORMWATER WASTEWATER LICENSING WATER LICENSING POLLUTION PREVENTION PLANNING AIR EMISSIONS INVENTORY	ACCOUNT NUMBER PERMIT SOLID WASTE REGISTRATION # (SWR) EPA ID PERMIT EPA ID PERMIT ACCOUNT NUMBER AFS NUM REGISTRATION PERMIT LICENSE LICENSE ID NUMBER ACCOUNT NUMBER	HG1387C 1107 39226 TXR000063701 WQ0012765001 TX0093556 18557 HG1387C 4820100545 1012871 TXR05T699 WQ0012765001 1012871 P06822 HG1387C
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Location: 1912 BUSCHONG ST, HOUSTON, TX, 77039

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 14, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 14, 2007 to March 14, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 04/03/2008

ADMINORDER 2007-1575-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to submit an annual compliance certification within 30 days after the end of the January 1, 2006 to December 31, 2006 certification period.

Effective Date: 04/18/2011

ADMINORDER 2010-1529-MWD-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(1)(B)

Rqmt Prov: Monitoring & Reporting Requirements 3.b. PERMIT

Description: Failed to maintain, provide or make records available for review. Specifically, the following records were not available for review: laboratory analysis results for the sludge testing, annual sludge reports for fiscal years 2003-2008, and the sludge manifests for fiscal year 2008.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Sludge Provisions PERMIT

Description: Failed to timely submit a complete and accurate annual sludge report for the monitoring period ending July 31, 2009. Specifically, three of the nine pages of the sludge discharge monitoring report ("DMR") were not completed correctly.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: Monitoring and Reporting Req. No. 1 PERMIT

Description: Failed to timely submit the DMRs for the monitoring periods ending April 30, 2010 through July 31, 2010, by the 20th day of the following month.

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Lim. and Mon. Req. No. 1 PERMIT

Description: Failed to comply with the permitted effluent limit for total suspended solids ("TSS"). Specifically, the TSS daily average concentration exceeded the permit limit of 15 milligrams per liter ("mg/L") for the monitoring period ending May 31, 2010 (19.57 mg/L).

Effective Date: 07/02/2011

ADMINORDER 2010-1598-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01107 General Terms & Conditions OP
OP O-01107 STC 7 OP

Description: Failed to submit an annual compliance certification and deviation report within 30 days after the end of the reporting period and include all instances of deviations.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01107 STC 3(A)(iv) OP

Description: Failed to conduct quarterly opacity readings, in violation of FOP No. O-01107.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.960
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Mmmm 63.3910(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Mmmm 63.3910(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR 18557 SC 3(B) PERMIT
OP O-01107 STC 4 OP

Description: Failed to submit an initial notification and initial compliance report for 40 CFR Part 63, Subpart Mmmm.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Mmmm 63.3920(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR 18557 SC 3(B) PERMIT
OP O-01107 STC 4 OP

Description: Failed to submit semi-annual compliance reports for 40 CFR Part 63, Subpart Mmmm.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01107 STC 4 OP

Special Condition No. 9C PERMIT

Special Condition No. 9F PERMIT

Special Condition No. 9H PERMIT

Description: Failed to produce monthly reports that demonstrate the emissions from each EPN, the coatings' volatile organic compound ("VOC") content, and the coatings' hazardous air pollutant ("HAP") content.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failed to include the applicability of 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63, Subpart Mmmm in FOP No. O-01107.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/30/2007	(573892)
2	03/05/2008	(610457)
3	02/19/2008	(617097)
4	04/11/2007	(626340)
5	04/11/2007	(626341)
6	10/10/2007	(626342)
7	10/10/2007	(626343)
8	11/19/2007	(626344)
9	11/19/2007	(626346)
10	11/21/2007	(626348)
11	11/21/2007	(626350)
12	01/14/2008	(626352)
13	01/14/2008	(626354)
14	01/14/2008	(626356)
15	01/14/2008	(626358)
16	02/29/2008	(675893)
17	04/10/2008	(694276)
18	05/12/2008	(694277)
19	05/18/2009	(738930)
20	03/25/2009	(754675)
21	03/25/2009	(754676)
22	03/25/2009	(754677)
23	03/25/2009	(754678)
24	03/25/2009	(754679)
25	03/25/2009	(754680)
26	03/25/2009	(754681)
27	03/25/2009	(754682)
28	03/25/2009	(754683)

29	03/25/2009	(754684)
30	03/25/2009	(754685)
31	05/21/2009	(771905)
32	05/21/2009	(771906)
33	10/28/2009	(779465)
34	08/31/2010	(794105)
35	03/29/2010	(815729)
36	12/08/2009	(815730)
37	12/08/2009	(815731)
38	12/08/2009	(815732)
39	12/11/2009	(815733)
40	12/11/2009	(815734)
41	12/08/2009	(815735)
42	12/08/2009	(815736)
43	02/01/2010	(815737)
44	04/05/2010	(834721)
45	05/12/2010	(834722)
46	08/25/2010	(846003)
47	10/06/2010	(865295)
48	09/03/2010	(868342)
49	09/03/2010	(868343)
50	09/03/2010	(868344)
51	09/16/2010	(868345)
52	09/23/2010	(875229)
53	11/10/2010	(882846)
54	11/11/2010	(889238)
55	12/20/2010	(897622)
56	01/20/2011	(903511)
57	02/20/2011	(910410)
58	03/20/2011	(917648)
59	09/01/2011	(934428)
60	06/20/2011	(939349)
61	06/20/2011	(939350)
62	06/20/2011	(946755)
63	07/20/2011	(954017)
64	08/27/2011	(960606)
65	09/20/2011	(966675)
66	02/29/2012	(970423)
67	10/20/2011	(972676)
68	11/20/2011	(978817)
69	12/20/2011	(985652)
70	01/20/2012	(991987)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	05/18/2009	(738930)	CN600130421
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(11)(B) Monitoring & Reporting Requirements 3.b. PERMIT		
Description:	Failed to maintain, provide or make records available for review. Specifically, the following records were not available for review: laboratory analysis results for the sludge testing, annual sludge reports for fiscal years 2003-2008, and the sludge manifests for fiscal year 2008.		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(e)		
Description:	Failure to accurately report the analytical results on the discharge monitoring report (DMR).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.6 30 TAC Chapter 319, SubChapter A 319.9(c)		
Description:	Failure to provide records of the total chlorine residual Quality Assurance/Quality Control (QA/QC) procedures.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(d)		
Description:	Failure to submit discharge monitoring reports (DMR).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Failure to maintain the backflow prevention device.		

Date:	05/31/2011	(946755)	CN600130421
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
UNITED STRUCTURES OF
AMERICA, INC.
RN100219708**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-0692-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding United Structures of America, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a metal building manufacturing plant at 1912 Buschong Street in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 5, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eighteen Thousand Four Hundred Fifty Dollars (\$18,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Five Dollars (\$205) of

the administrative penalty and Three Thousand Six Hundred Ninety Dollars (\$3,690) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Seven Thousand Three Hundred Eighty Dollars (\$7,380) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

The remaining amount of Seven Thousand One Hundred Seventy-Five Dollars (\$7,175) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Five Dollars (\$205) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent implement the following corrective measures at the Plant:
 - a. Submitted the Permit Compliance Certification ("PCC") for the July 1, 2011 through December 31, 2011 certification period on February 1, 2012; and
 - b. Submitted the PCC and deviation report for the July 1, 2010 through December 31, 2010 certification and semi-annual deviation reporting periods and the PCC for the January 1, 2011 through June 30, 2011 certification period on February 20, 2012.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to submit complete and accurate PCCs and a deviation report within 30 days after the end of the certification and reporting periods, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A) and (2)(C), and 122.146(2), Federal Operating Permit No. 01107, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 1, 2012. Specifically, the PCC and the deviation report for the July 1, 2010 through December 31, 2010 certification and semi-annual deviation reporting periods were due January 30, 2011, but were not submitted until February 20, 2012 (386 days late) and did not include four deviations; the PCC for the January 1, 2011 through June 30, 2011 certification period was due July 30, 2011, but was not submitted until February 20, 2012 (205 days late); and the PCC for the July 1, 2011 through December 31, 2011 certification period was due January 30, 2012, but was not submitted until February 1, 2012 (two days late).

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: United Structures of America, Inc., Docket No. 2012-0692-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Seven Thousand Three Hundred Eighty Dollars (\$7,380) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A,

incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that PCCs and deviation reports are timely and accurately submitted; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a

violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Samir
For the Executive Director

9/21/12
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

UT

Signature

6-19-12
Date

KYLE PARRISH

Name (Printed or typed)
Authorized Representative of
United Structures of America, Inc.

VICE PRESIDENT
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2012-0692-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	United Structures of America, Inc.
Payable Penalty Amount:	Fourteen Thousand Seven Hundred Sixty Dollars (\$14,760)
SEP Amount:	Seven Thousand Three Hundred Eighty Dollars (\$7,380)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the Environmental Protection Agency ("EPA"). SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter

United Structures of America, Inc.
Agreed Order - Attachment A

traps, diesel particulate matter filters, nitrogen oxides reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the EPA or the California Air Resources Board.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

United Structures of America, Inc.
Agreed Order - Attachment A

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.